

125 could periodically verify that all the logical entities stored in the storage domain are still being used by one or more host computers.” Thus, this sentence makes clear that at any given time, a logical entity, such as a logical volume, may have multiple users to which the logical entity is available for access. Thus, a logical volume may have multiple users simultaneously.

### **Rejections Under 35 U.S.C. §103**

The Office Action gave three separate obviousness rejections to each of independent claims 1, 16, and 22. Specifically, these claims were rejected under 35 U.S.C. §103(a) as purportedly being obvious over Fisher in combination with DiChiara (4,858,117), Fisher in combination with Hart (5,285,528), and Fisher in combination with Duso (5,892,915). Each of these rejections is respectfully traversed.

At paragraph 23 on page 7, the Office Action asserts, “[w]ith respect to the independent claims...Fisher et al. teach all of the limitations as discussed above but fail to specifically disclose the logical volume having multiple users simultaneously.” Because none of the independent claims recites the term “simultaneously,” or is limited to logical volumes having multiple users simultaneously, Applicant was unclear as to the reasons for reliance on the secondary references (i.e., DiChiara, Hart, and Duso). Applicant contacted the Examiner to schedule a telephone interview seeking clarification on this and other points and, at the Examiner’s request, prepared a proposed agenda for the telephone interview, which was sent to the Examiner via facsimile on July 8, 2005.

After receiving the proposed agenda, the Examiner contacted Applicant and indicated that he was unwilling to grant an interview, as he felt that all the issues raised in the proposed agenda had been addressed in the most recent or prior Office Actions, but suggested that Applicant submit a new agenda if there were any new issues to be discussed. The Examiner did, however, clarify the nature of the §103 rejection of the independent claims, indicating that he believed Fisher could be used as a §102 rejection of the independent claims, but made the §103 rejection using DiChiara, Hart, or Duso, because he thought that Applicant may attempt to distinguish over Fisher by arguing that Fisher does not disclose multiple users simultaneously

accessing a logical volume. Applicant would like to emphasize that the independent claims do not require, and are in no way limited to, multiple users simultaneously accessing a logical volume.

On July 14, Applicant submitted, via facsimile, a second proposed agenda to the Examiner, indicating that Applicant would like to discuss the limitation in claim 1 that recites, “for each of a plurality of logical volumes, maintaining identifying information for each user of the respective logical volume, wherein the respective logical volume may have multiple users,” which Applicant believes is not disclosed by Fisher. In the second proposed agenda, Applicant noted that the Office Action asserts that Fisher discloses this limitation via the logical volume status tables in Figures 5 and 6 and the description at column 5, lines 1-7. At paragraph 52 on page 12, the Office Action further asserts that the “the claims though, do not limit the ‘identifying information’ to merely a list of users, nor do the claims limit the ‘identifying information’ to be stored only on one device. As such, identifying information stored across multiple device, such as the separate directory in Fisher showing the mount status is sufficient to read upon the claims.”

Applicant emphasized, in the second proposed agenda, that claim 1 requires, “maintaining identifying information **for each user** of the respective logical volume,” and asserted that, to the extent that the mount status information in the status tables of Figure 5 and Figure 6 of Fisher can be considered “identifying information,” this mount status information does not identify each user of the logical volume. Rather, the mount status information merely indicates whether a particular logical volume is mounted and does not identify any users of the logical volume.

After receiving the second proposed agenda, the Examiner indicated, in a voicemail left for Applicant on July 15, 2005, that he was still unwilling to grant an interview, as he felt this issue had been addressed in the Office Action of April 8, 2004. Specifically, the Examiner indicated in his voicemail that Fisher discloses maintaining a database that has owner information and that he considers the owner information to be “identifying information for each user of the respective logical volume.”

Applicant respectfully disagrees that the owner is a user of the logical volume. Nowhere does Fisher disclose or suggest that the owner is a user of the logical volume. Additionally, even if one were to treat the owner as a user, claim 1 requires maintaining identifying information for each user of a logical volume that has multiple users. Fisher only discloses maintaining information for a single owner. Thus, even if a logical volume in Fisher has multiple users, the information maintained by the system of Fisher would only identify a single owner, but not each user of the logical volume.

Moreover, claim 1 requires, “verifying that the logical volume is still in use using at least a portion of the identifying information.” Nowhere does Fisher disclose or suggest that the owner information (or a portion thereof) may be used to verify that that a logical volume is still in use. Applicant does not believe that these issues have been addressed in any prior Office Actions and would welcome an opportunity to schedule a telephone interview at the Examiner’s convenience to see whether closure can be reached on these issues.

For the foregoing reasons, claim 1 is believed to patentably distinguish over Fisher, whether taken alone or in combination with either DiChiara, Hart, or Duso. Accordingly, it is respectfully requested that the rejections of claim 1 under 35 U.S.C. §103(a) be withdrawn. Claims 2-15 and 37 depend from claim 1 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

As should be clear from the discussion above, Fisher fails to disclose or suggest, “a verifier module, coupled to the access manager module, that uses at least a portion of the identifying information to perform verification that a logical volume is still in use,” as recited in both claims 16 and 22. Thus, claims 16 and 22 are believed to patentably distinguish over Fisher. Accordingly, it is respectfully requested that the rejections of claims 16 and 22 under 35 U.S.C. §103(a) be withdrawn. Each of claims 7-21, 23-27, 38, and 39 depends from one of independent claims 16 and 22, and is patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

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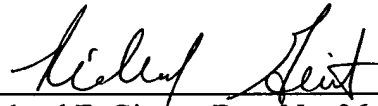
**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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